

Appl. No. 09/557,597
Amendment and/or Response
Reply to Office action of 23 October 2003

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REMARKS / DISCUSSION OF ISSUES

Claims 1-2, 4-10, and 13-18 are pending in the application.

The Examiner has rejected:

claims 1 and 14 under 35 U.S.C. 102(b) over Duhane et al. (USP 5,541,585, hereinafter Duhane);

claims 2, 6-10, 13, and 15-18 under 35 U.S.C. 103(a) over Duhane and Nickum (USP 6,359,661);

claim 4 under 35 U.S.C. 103(a) over Duhane and D'Angelo et al. (USP 6,265,974, hereinafter D'Angelo); and

claim 5 under 35 U.S.C. 103(a) over Duhane, D'Angelo, and Kushiro et al. (USP 6,285,357, hereinafter Kushiro).

The Applicants respectfully traverse these rejections.

Each of the Applicants' independent claims 1, 8, 10, and 14 include a gatekeeper device that *selectively transmits* a user identification *in response to a communication* from an apparatus that is configured to modify its behavior based upon receipt of the user identification.

Duhane teaches a conventional RFID device 18 that communicates an identifier in response to an interrogation signal from an apparatus 16, without any input from the user. In an example embodiment, when a person carrying the RFID device approaches a doorway that is 'keyed' to the identifier, the apparatus unlocks the door, activates lights, enables appliances, and so on.

In each of the rejections, the Examiner relies upon Duhane for teaching "a gatekeeper device (18) (i.e. a portable transceiver) that is configured to *selectively* transmit a user identification only (i.e. an identification code), in response to receipt of a communication from an apparatus (16)" (Office action, page 3, lines 8-10, emphasis added).

As specifically taught by Duhane: "When portable transceiver 18 receives the interrogation signal from the fixed transceiver 16, it *automatically* transmits the response signal, requiring *no user interaction*. Thus, it is not necessary to remove portable transceiver

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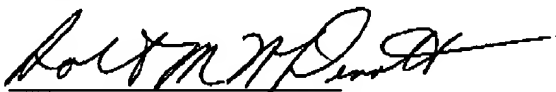
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18 from the purse or pocket and *no buttons or switches* are required to be actuated on the transceiver." (Duhane, column 4, lines 57-62, emphasis added.)

Duhane neither teaches nor suggests *selectively* transmitting a response signal, as claimed by the Applicants, and specifically teaches against the Applicants' claimed invention by teaching *automatically* transmitting the response, with *no user interaction*. Neither Nickum, D'Angelo, nor Kushiro teaches a selective transmission in response to a communication from another apparatus. Because Duhane teaches against the Applicants' claimed invention, and neither Nickum, D'Angelo, nor Kushiro teach or suggest the Applicants' claimed invention, the Applicants respectfully request the Examiner's reconsideration of the above rejections.

In view of the foregoing, the applicant respectfully requests that the Examiner withdraw the rejections of record, allow all the pending claims, and find the application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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